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22
23 UNITED STATES DISTRICT COURT
24 NORTHERN DISTRICT OF CALIFORNIA
25 SAN FRANCISCO DIVISION

26 BETSY FEIST,

Misc. Case No. CV12-80121 SI (NC)

27 vs. Plaintiff,

Underlying action pending in the United States
District Court for the Southern District of
New York, Case No. 11 CV 5436 JGK

Related cases:
3:12-cv-80119 SI (NC)
3:12-cv-80135 SI (NC)
3:12-cv-80140 SI (NC)

28 RCN CORPORATION and
PAXFIRE, INC.,

Defendants.

**STIPULATION AND [PROPOSED]
ORDER RE CONTINUING HEARING
DATE ON EFF MOTION FOR DE NOVO
DETERMINATION**

Date: October 23, 2012
Time: 10:00 a.m.
Hon. Judge Susan Illston
Courtroom 10, 19th Floor

Non-Parties Electronic Frontier Foundation and Peter Eckersley (“EFF”), together with Defendant Paxfire, Inc. (“Defendant” or "Paxfire"), by and through their undersigned counsel, hereby stipulate as follows:

4 WHEREAS on August 27, 2012, EFF noticed a Motion for De Novo Determination of
5 Dispositive Matter Referred to Magistrate Judge re [34] Order on Motion to Quash (“Motion”).
6 D.I. 36;

7 WHEREAS Defendant Paxfire's Opposition to EFF's Motion was electronically filed
8 (Dkt. No. 39) on September 12, 2012;

9 WHEREAS EFF's Reply to the Motion was electronically filed on September 21, 2012
10 (Dkt. No. 42);

11 WHEREAS the hearing on EFF's Motion was reset by Clerk's Notice from October 19,
12 2012 to October 23, 2012 (Dkt. No. 46 in the CV12-80119 action);

13 WHEREAS counsel for Paxfire is not available to attend the hearing on October 23, 2012;

14 WHEREAS the Parties stipulate to moving the hearing on EFF's Motion for De Novo
15 Determination of Dispositive Matter Referred to Magistrate Judge re [34] Order on Motion to
16 Quash from October 23, 2012 to November 6, 2012 at 9:00 AM.

17 WHEREAS this Stipulation does not affect any case management deadlines.

19 || SO STIPULATED AND AGREED

21 | Dated: October 12, 2012 BERGESON, LLP

/s/
Jaideep Venkatesan

Attorneys for Defendant
PAXFIRE, INC.

26 In accordance with Civil Local Rule 5-1(i)(3), the above signatory attests that concurrence
27 in the signing of this document has been obtained from the signatory below.

1 Dated: October 12, 2012

SHEPPARD MULLIN RICHTER & HAMPTON,
2 LLP

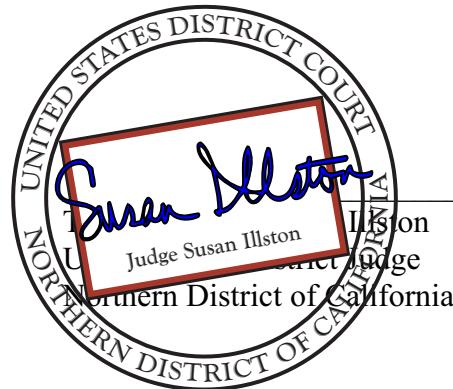
3 /s/ Tenaya M Rodewald

4 Tenaya M Rodewald, Esq.
James M. Chadwick, Esq.

5 Attorneys for Non-Parties
6 ELECTRONIC FRONTIER FOUNDATION and
PETER ECKERSLEY

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8 **IT IS SO ORDERED.**

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10 Dated: 10/16, 2012



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